

Entered - 10/01/03 - sb
CL03L0779 - DIANNE C. MITCHELL

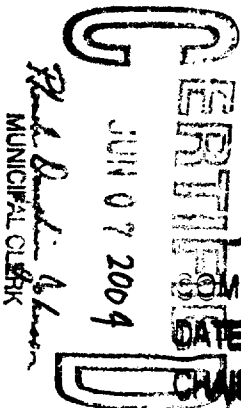
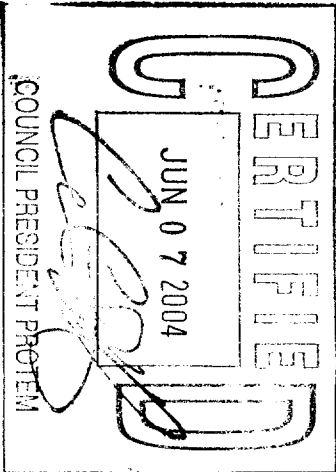
04- R -0946

CLAIM OF: **STEPHEN M. OSTROFF,**
through his insurance carrier,
The Travelers
9800 Fredericksburg Road
San Antonio, Texas 78288

For damages alleged to have been sustained as a result of a sewer
back up on May 6, 2003 at 585 Pelham Road, NE.

THIS ADVERSED REPORT IS APPROVED

BY: _____
JERRY L. DELOACH
DEPUTY CITY ATTORNEY



ADVERSE REPORT
COMM: _____
DATE: 6/1/04
CHAIR: [Signature]
C. T. Markin
H. S. S. S.
Carla Smith
Vernell Mosley
Chela Henderson



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

June 11, 2004

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

The Travelers
Insurance Carrier
Attn: Raul De La Garza
9800 Federicksburg Road
San Antonio, Texas 78288

04-R-0946

RE: Stephen M. Ostroff

Dear Mr. Garza:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on June 07, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0779

Date: May 17, 2004

Claimant /Victim STEPHEN M. OSTROFF
 BY:(Ins. Co.) The Travelers
 Address: 9800 Fredericksburg Road, San Antonio, Texas 78288
 Subrogation: Claim for Property damage \$ 2,189.06 Bodily Injury \$
 Date of Notice: 09/22/03 Method: Written, proper X Improper
 Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)
 Date of Occurrence 05/06/03 Place: 585 Pelham Road, NE
 Department Watershed Management Bureau: Waste Water
 Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that his home was damaged due to a sewer back up. The investigation determined that the City had no notice of any problems with the sewer line prior to the claimant's call. The City is immune from liability as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
 Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____
 Traffic citations issued: City Driver _____ Claimant Driver _____
 Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ _____ Adverse ☒ Account charged: 1A01 _____ 2J01 _____ 2H01 _____ 2P01 _____
 Claims Manager: *[Signature]* Concur/date *6/5/11*
 Committee Action: _____ Council Action _____

RCS# 5776
6/07/04
2:34 PM

Atlanta City Council

Regular Session

CONSENT I CONSENT I PG(S)1-17, EXCEPT: 04-R-1017
 04-O-0932 04-O-0933 04-R-0986
 ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 0
EXCUSED: 1
ABSENT 1

E Smith	Y Winslow	Y Shook	Y Martin	Y Mitchell
B Starnes	Y Archibong	Y Muller	Y Maddox	Y Norwood
Y Young	Y Fauver	Y Moore	Y Mosley	Y Willis

CONSENT I

6-07-04 Council Meeting		
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSESED ON CONSENT
1. 04-O-0802 2. 04-O-0803 3. 04-O-0804 4. 04-O-0877 5. 04-O-0930 6. 04-O-0924 7. 04-O-0929 8. 04-O-0787 9. 04-O-0654 10. 04-O-0655 11. 04-O-0817 12. 04-O-0818 13. 04-O-0819 14. 04-O-0820 15. 04-O-0939 16. 04-R-1002 17. 04-R-1003 18. 04-R-1004 19. 04-R-1005 20. 04-R-1010 21. 04-R-1011 22. 04-R-1012 23. 04-R-1015 24. 04-R-0935 25. 04-R-1008 26. 04-R-1000 27. 04-R-1001 28. 04-R-0942 29. 04-R-0927 30. 04-R-0943 31. 04-R-1019 32. 04-R-0635 33. 04-R-0989 34. 04-R-0991 35. 04-R-0993 36. 04-R-0814 37. 04-R-0926 38. 04-R-0994 39. 04-R-0995 40. 04-R-0996 41. 04-R-0997 42. 04-R-0998	43. 04-R-1023 44. 04-R-1024 45. 04-R-1025 46. 04-R-0979 47. 04-R-0980 48. 04-R-0981 49. 04-R-0982 50. 04-R-0983 51. 04-R-0984 52. 04-R-0985 ITEMS ADVERSESED ON CONSENT 53. 04-R-0944 54. 04-R-0945 55. 04-R-0946 56. 04-R-0947 57. 04-R-0948 58. 04-R-0949 59. 04-R-0950 60. 04-R-0951 61. 04-R-0952 62. 04-R-0953 63. 04-R-0954 64. 04-R-0955 65. 04-R-0956 66. 04-R-0957 67. 04-R-0958 68. 04-R-0959 69. 04-R-0960 70. 04-R-0962 71. 04-R-0963 72. 04-R-0964 73. 04-R-0965 74. 04-R-0966 75. 04-R-0967 76. 04-R-0968 77. 04-R-0969 78. 04-R-0970 79. 04-R-0971 80. 04-R-0972 81. 04-R-0973 82. 04-R-0974	83. 04-R-0975 84. 04-R-0976 85. 04-R-0977 86. 04-R-0978